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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re)	Chapter 11
)	
TOYS “R” US, INC., <i>et al.</i> , ¹)	Case No. 17-34665 (KLP)
)	
Debtors.)	(Jointly Administered)
)	
TRU CREDITOR LITIGATION TRUST,)	
)	
Plaintiff,)	Adv. Proceeding No. 20-03038-KLP
)	
v.)	
)	
DAVID A BRANDON, <i>et al.</i> ,)	
)	
Defendants.)	
)	

**JOINDER OF MOELIS & COMPANY, LLC TO THE TRUST’S OPPOSITION TO
DEFENDANTS’ MOTION TO COMPEL FTI AND MOELIS**

Moelis & Company, LLC (“Moelis”),² by and through its undersigned counsel, hereby files this joinder (the “Joinder”) to the *Trust’s Opposition to Defendants’ Motion to Compel FTI and*

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are set forth in the *Order (I) Directing Joint Administration of Chapter 11 Cases and (II) Granting Related Relief* [Dkt. 78]. The location of Debtors’ service address is One Geoffrey Way, Wayne, NJ 07470.

² Capitalized terms used herein but not otherwise defined have the meaning the Objection.

Moelis [Dkt. 429] (the “Objection”), filed by the TRU Creditor Litigation Trust (the “Plaintiff”) in the above-captioned adversary proceeding and respectfully states as follows:

1. Neither the Defendants’ discovery strategy nor their preoccupation with historical discovery disputes changes the fundamental nature of the *Moelis* documents at issue in *this Motion*. The documents are protected work product, properly withheld and adequately documented in the privilege log.

2. As stated in the *Objection*, *Moelis* made a prima facie showing that the documents are protected work product. Defendants cannot overcome that showing or, therefore, justify *in camera* review. Lacking a sufficient legal basis for their challenge, the Defendants litter their Motion with innuendo of bad faith by the Plaintiff, *Moelis*, and FTI.

3. *Moelis* has acted in good faith throughout. In particular, since the Defendants’ November 23, 2021 *Motion to Compel Moelis to Submit Its Withheld Documents to a Special Master* [Dkt. 302], the Plaintiff, *Moelis*, and its advisors worked with the Defendants to provide as much information as warranted under relevant privilege law. *Moelis* provided an updated, detailed, privilege log and attended multiple meet and confers with the Defendants. Acting in good faith and taking account of the Defendants’ views, *Moelis* produced additional documents. The parties are left with 26 documents in dispute.

JOINDER

4. *Moelis* agrees with the legal arguments and the assertions set forth in the Plaintiff’s *Objection* and joins in the *Objection* and the relief requested therein, and reserves all rights to be heard before the Court with respect to the Motion and the *Objection*.

RESERVATION OF RIGHTS

5. Nothing herein shall be construed as a waiver of any rights, claims, or defenses of Moelis under the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, Federal Rules of Civil Procedure, Federal Rules of Evidence, or other applicable law, all of which rights, claims, and defenses are expressly reserved and preserved.

6. Moelis reserves the right to amend, modify, or supplement this Joinder prior to the final hearing on the Motion and to raise any other additional arguments during that hearing.

[Remainder of page intentionally left blank.]

WHEREFORE, Moelis (a) joins in the Defendant's Objection; (b) requests that the Court deny the Motion and enter an Order consistent with the relief requested therein; (c) reserves any and all rights to be heard in connection therewith; and (d) requests that the Court award such other, further relief as it considers appropriate.

Dated: May 16, 2022

KATTEN MUCHIN ROSENMAN LLP

By: /s/ Jerry L. Hall

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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of May 2022, I caused a copy of the foregoing pleading to be served by electronic means through the Court's ECF system and emailed to counsel for the Defendants.

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